

REMARKS

This application has been reviewed in light of the Office Action dated November 28, 2005. Claims 25-27, 29-34, 36-41, and 43-45 are presented for examination. Claims 28, 35, and 42 have been canceled, without prejudice or disclaimer of subject matter. Claims 25, 26, 29, 30, 32-34, 36-40, 43, and 44 have been amended to define more clearly what Applicants regard as their invention. Claims 25, 32, and 39 are in independent form. Favorable reconsideration is requested.

Claims 25-30, 32-37, and 39-44 were rejected under 35 U.S.C. § 103(a), as being obvious from U.S. Patent 6,313,875 (*Suga*) in view of U.S. Patent 5,625,415 (*Ueno*)¹, and Claims 31, 38, and 45, as being obvious from *Suga* in view of *Ueno* and U.S. Patent 6,522,354 (*Kawamura*).

The present invention is intended to enable a user to set a shape, position, and area of a frame, and also to select a function to be set in the frame, the frame being set within an image captured by an image capture apparatus.

Claim 25 is directed to a method of controlling an image capture apparatus, the control method including a reception step of receiving an image captured by the image capture apparatus. In a frame setting step, a shape, a position, and an area of a frame are set, and in a first command sending step, a first command is sent to the image capture apparatus in order to set the frame within the image captured by the image capture apparatus, the first command indicating

¹ It is noted that the Office Action does not list all the claims to which the rejection in paragraph 5 applies. The Examiner confirmed, in a conversation with one of Applicants' attorneys, that the above summary of the claim rejections is correct.

the shape, the position, and the area set in the frame setting step. In a function selection step, a function to be set in the frame is selected, and in a second command sending step, a second command is sent to the image capture apparatus, the second command indicating the function selected in the function selection step.

Notably, in the method of controlling an image capture apparatus of Claim 25, a first command forms the shape, position, and area of the frame (e.g., the center of a circular frame as described in page 29, line 12 to page 30, line 15 of the present application), and a second command sets a selected function in the formed frame (e.g., a digital zoom as described in page 41, line 15 to page 43, line 4 of the present application).²

Suga and *Ueno* have been adequately discussed in previous papers, and therefore that discussion will only be repeated to the extent deemed necessary.

Applicants submit that nothing in *Suga* or *Ueno*, whether considered separately or in any permissible combination (if any), would teach or suggest a first command for forming the shape, position, and area of a frame, and a second command for setting a selected function in the formed frame, as recited in Claim 25. Even if *Suga* teaches sending coordinate information of a rectangular frame to a camera when an AWB button is selected by clicking on a menu (see, e.g., Fig. 12 and col. 10, lines 29-36 of *Suga*), and *Ueno* teaches selecting different frames for autofocusing purposes by pressing on a button from a displayed menu (see, e.g., Figs. 5 and 7 of *Ueno* showing Default, Area, and Point AE Mode options), a combination, even if proper, would

² It is to be understood that the claim scope is not limited by the details of any examples or of any particular embodiments that may be referred to.

at the most result in a camera in which an autofocus mode and an AWB function are included in the same displayed menu. Applicants submit that the combination would not teach the recited first and second commands.

Accordingly, Claim 25 is seen to be clearly allowable over *Suga* and *Ueno*, whether considered separately or in any permissible combination (if any).

Independent Claims 32 and 39 are apparatus and storage medium claims, respectively, corresponding to method Claim 25, and are also believed to be patentable over *Suga* and *Ueno* for at least the reasons discussed above.

A review of the other art of record, including *Kawamura*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", is written over a horizontal line.

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